

AMENDED IN SENATE APRIL 7, 1997

SENATE BILL

No. 521

**Introduced by ~~Senator Mountjoy~~ Senators Mountjoy,
Haynes, Johannessen, Knight, and Monteith**
(Coauthors: Assembly Members Frusetta, House, Margett,
and McClintock)

February 24, 1997

An act to add Section 43013.1 to the Health and Safety Code,
relating to gasoline.

LEGISLATIVE COUNSEL'S DIGEST

SB 521, as amended, Mountjoy. Gasoline: MTBE.

(1) Existing law does not prohibit the sale of gasoline containing methyl tertiary butyl ether (MTBE).

This bill would make it a misdemeanor to sell gasoline containing methyl tertiary butyl ether (MTBE). The bill would impose a state-mandated local program by creating a new crime. The bill would prohibit the State Air Resources Board from permitting or requiring the use of MTBE in gasoline. *The bill would make Legislative findings and declarations in that regard.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) *The Legislature hereby finds and declares all of the following:*

(1) *Methyl tertiary butyl ether (MTBE) spreads rapidly through water and could pose a grave threat to the purity of California's water.*

(2) *MTBE has been found in California's groundwater and reservoirs.*

(3) *MTBE poses a cancer and health risk.*

(4) *MTBE is a threat to public health and safety and to the environment.*

(b) *For those reasons, the Legislature determines that it is necessary to prohibit the use of MTBE in gasoline and to make the sale of gasoline containing MTBE a misdemeanor.*

SEC. 2. Section 43013.1 is added to the Health and Safety Code, to read:

43013.1. (a) No person shall sell gasoline containing methyl tertiary butyl ether (MTBE). A violation of this subdivision is a misdemeanor.

(b) The state board shall not adopt any rule or regulation that permits or requires the use of MTBE in gasoline.

~~SEC. 2.—~~

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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